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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KWAN SOFTWARE ENGINEERING, INC., a
California corporation d/b/a VERIPIC, INC.,

Plaintiff,

v.

FORAY TECHNOLOGIES, LLC, a Delaware
Limited Liability Company,

Defendant.

No. C 12-03762 SI

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO FILE UNDER
SEAL**

On December 12, 2013, defendant filed a motion for summary judgment, Docket No. 93, and on December 27, 2013, defendant filed an amended memorandum of points and authorities in support of its motion for summary judgment. Docket No. 107. By the present motion, defendant moves to seal a document that was filed in support of its motion for summary judgment—the Declaration of Brian Berg. Docket No. 112. In the motion, defendant states that it moved to seal the declaration because it was designated as confidential, but states that it takes no position at this time as to whether the information is entitled to be filed under seal. *Id.*

Under Civil Local Rule 79-5(e), where “the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order . . . [,] [w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” To date, no party has filed the required declaration. Accordingly, the

1 Court DENIES defendant's motion to seal. This denial is without prejudice to a party filing the
2 declaration required by Civil Local Rule 79-5(d)(1)(A) within seven days from the date this order is
3 filed.

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5 **IT IS SO ORDERED.**

6 Dated: January 16, 2014



7 SUSAN ILLSTON
8 United States District Judge

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